



Federal Communications Commission
Washington, D.C. 20554

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DA 17-311

Small Entity Compliance Guide

Revitalization of the AM Radio Service: (Revision of Siting Rule for FM Cross-Service Fill-In Translators)

FCC 17-14
MB Docket No. 13-249

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 202-418-0232

Decision Document and Internet Link

- *Revitalization of the AM Radio Service*, Second Report and Order, FCC 17-14, 32 FCC Rcd _____ (Feb. 24, 2017); 82 Fed. Reg. 13069 (Mar. 9, 2017) (Summary); 82 Fed. Reg. 13969 (Mar. 16, 2017) (Effective Date Notice);
https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-14A1.docx (Word);
https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-14A1.pdf (Acrobat).

Background

- AM radio has traditionally served as a vital source of news and information for the public, as well as a critical lifeline in times of emergencies and man-made or natural disasters. AM listenership has nevertheless declined with the rise of newer, higher fidelity media alternatives, as well as the rise in environmental noise and interference from man-made sources. Given the erosion in AM listenership and the above-noted technical challenges to our oldest broadcast service, the Commission initiated this proceeding in 2013 to propose a filing window and five rule changes designed to improve the AM service. The Commission also solicited suggestions of other measures that should be taken to revitalize the AM service and assist the approximately 4,700 licensed AM stations in serving their listeners.
- In 2015, the Commission adopted a number of those proposals and issued a *Further Notice of Proposed Rule Making (FNPRM)* seeking comment on other proposals, including the one discussed here. *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145 (2015).

Key Objectives of This Aspect of the Proceeding

- In 2009, in order to allow AM stations to better serve their local communities, the Commission modified its rules to allow such stations to use FM translators to retransmit their AM services within the AM stations' coverage areas. However, the Commission limited the permissible locations for such translator stations.
- In this proceeding, the Commission modified its rule specifying where such a cross-service FM translator rebroadcasting an AM broadcast station signal may be located, thereby expanding the range of options for cross-service translator siting.

Entities Directly Affected by the Rule

- AM radio broadcasters
- FM translator licensees and permittees

Key Compliance Requirements

- **Cross-service translator (FM translator rebroadcasting AM station) siting rule.** In the 2015 *FNPRM* in this proceeding referred to above, the Commission proposed to change its 2009 rule establishing where a cross-service FM translator could be located. The original rule (47 CFR § 74.1201(g)) required that an FM translator rebroadcasting an AM station must be located such that the 60 dBμ contour of the FM translator station is contained within the lesser of: (a) the 2 millivolts per meter (mV/m) daytime contour of the AM station, or (b) a 25-mile radius centered at the AM transmitter site. Many commenters suggested that this standard was too restrictive and should be changed to provide that the coverage contour of an

FM translator rebroadcasting an AM station as its primary station must be contained within the *greater* of the 2 mV/m daytime contour or a 25-mile radius. Some argued that the current standard disadvantages AM stations employing directional signals with deep signal nulls, resulting in a 2 mV/m contour extending only a short distance from the transmitter site that would disadvantage a translator co-located with the AM transmitter. Others contended that the current limitations made it difficult for AM stations having transmitters located at some distance from their communities of license, due to land costs, to locate translators nearer to those communities to facilitate service to their listening audiences. After considering these comments, the Commission proposed in the *FNPRM* to change the standard to the greater of the 2 mV/m daytime contour or a 25-mile radius centered at the AM transmitter site, but with the limitation that the translator's 1 mV/m coverage contour may not extend beyond a 40-mile (64 km) radius centered at the AM transmitter site. The Commission reasoned that this rule would offer broadcasters sufficient flexibility to provide useful signal coverage, while not allowing a cross-service fill-in translator to extend the station's coverage beyond its core service area. Commenters overwhelmingly supported the proposed relaxation of the current FM translator siting rule, with many arguing that the Commission should increase the 40-mile limit or not implement it at all.

- Having read and considered the comments addressing this proposal, and given the overwhelming support expressed for it or slight variations from it, the Commission adopted the proposal set forth in the *FNPRM* with one change. Specifically, the Commission agreed with commenters who found that the 40-mile limitation on translator siting may, in some cases, be unduly restrictive, and accordingly removed that limitation from the rule change as adopted. It found this change to be consistent with the objective, articulated in the *FNPRM*, to provide flexibility to an AM station using a cross-service translator to serve its core market while not extending its signal beyond the station's core service area. To the extent that some commenters argued that eliminating the 40-mile limitation would enable the extension of service beyond an AM station's core service area or community of license, the Commission noted that it had already held that the 2 mV/m contour in all cases constitutes an AM station's primary service area, thus it did not believe it necessary to impose the 40-mile limitation to ensure that the use of FM translators will not result in such extensions of service. The Commission thus amended section 74.1201(g) of the rules to provide that an FM translator rebroadcasting an AM broadcast station must be located such that the 60 dB μ contour of the FM translator station must be contained within the greater of either (a) the 2 mV/m daytime contour of the AM station, or (b) a 25-mile radius centered at the AM station's transmitter site.
- The Commission will act on the other *FNPRM* proposals in a later *Report and Order*.

Licensing:

- Electronic Filing Required: FCC Forms 349 (Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station) and 345 (Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station) must still be filed electronically using the Commission's Consolidated Database System (CDBS) Electronic Filing System via the Internet from the Media Bureau's Web site at:
http://licensing.fcc.gov/prod/cdb/public/prod/cdb_pa.htm or
http://licensing.fcc.gov/prod/cdb/forms/prod/cdb_ef.htm.